

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

FIRST APPEAL (ST) NO. 32327 OF 2004
WITH
CIVIL APPLICATION NO. 449 OF 2004

Office Notes, Office Memoranda
of of Coram, appearances, Court's
orders and Registrar's orders : Court's or Judge's orders

Smt. Geeta Shastri i/by Khilnani & Co.
for the appellant.

Shri A.J. Bhore for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 21ST DEC., 2004

P.C.:

1. Heard advocate for the appellant.
Advocate for the respondent appears and
waives service.

2. The plaintiff's suit for injunction is
dismissed and interim injunction order
dated 28.10.1993 came to be effected. The
application filed by the defendant
Corporation was allowed with observation
that the lower Court, for the reasons
recorded, was not in a position to decide
the application and, therefore, the
application submitted by the defendant
Corporation was allowed and the plaintiff
was directed to approach the Committee
constituted by the Apex Court with regard
hawkers' problems.

Hence, it is hereby directed that the plaintiff appellant shall approach the Committee constituted by the Apex Court by way of an application with supporting document, if any, within two weeks from the date of this order and thereafter the Committee shall adjudicate the application on merits within three months from the date of receipt of the application of the plaintiff.

It is clarified that the plaintiff shall not be disturbed from the suit property till he approaches the Committee by proper procedure and thereafter it will be for the Committee to look into the merits and give protection to the applicant pending application, according to the rules governing the Committee's procedure.

With this observation, the appeal stands disposed of with no order as to costs.

Consequently, the civil application also stands disposed of with no order as to costs.

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CORAM: P.V. KAKADE, J.

DATED: 21ST DEC., 2004

P.C.:

1. Heard advocate for the appellant
2. In view of the facts and
circumstances, the application is made
absolute in terms of prayer clause